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# FEDERAL REGISTER

VOLUME 2 NUMBER 26

Washington, Tuesday, February 9, 1937

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

#### ENFORCEMENT OF THE CONVENTION FOR SAFETY OF LIFE AT SEA, 1929

WHEREAS under Article I of the Convention for Safety of Life at Sea, signed at London on May 31, 1929, ratified by the United States of America, and proclaimed by the President on September 30, 1936 (Treaty Series No. 910), the Government of the United States of America, together with the Governments of the other countries which have become parties to the Convention, undertakes to give effect to the provisions of the Convention, to promulgate all regulations and to take all other steps which may be necessary to give it full and complete effect; and

WHEREAS it is expedient and necessary, in order that the Government of the United States of America may give full and complete effect to the said Convention, that several departments and agencies of the executive branch of the said Government exercise functions and perform duties thereunder; and

WHEREAS the following arrangement with reference to the administration of matters affecting radio was approved by the Federal Communications Commission on September 29, 1936, and concurred in by the Secretary of Commerce on October 12, 1936:

"By reason of ratifying the Convention the United States accepted certain obligations with respect to matters which, under the statutes fixing the powers and duties of the Department and the Commission, are subjects of separate jurisdiction. The Convention is self-executing, at least in large part, and a problem as to the division of duties and responsibilities in the matter of administering the Convention arises in the absence of specific legislation by Congress.

"The Convention provides for the issuance of three classes of certificates, i. e., Safety Certificates, Safety Radiotelegraph Certificates and Exemption Certificates. It is recognized that the issuance of each one of these classes of certificates involves determination on the part of both the Commission and the Department of Commerce. In view of this fact, it would appear that, legally, they might be issued by either agency, or jointly, based on separate determinations. In the interest of economy and in order to serve the convenience of the Government and the public, it has been agreed that provision is to be made for the issuance of all certificates through the Department of Commerce.

"However, the decision of the Commission in all matters affecting the use of radio on board ships subject to the Safety Convention will be final and binding, in so far as the Executive branch of the Government is concerned.

In the event of hearings or legal proceedings involving radio installations, hearings are to be conducted by and in accordance with the Rules and Regulations of the Commission, and the Commission is to assume and have responsibility for the defense of its orders and rulings before the Courts and also for prosecutions resulting from violations of the radio provisions of the Convention. The Commission will make the necessary radio inspections, on application to be made to it by the ship owner or other person responsible for the operation of the vessel. Upon approval by the Commission of the radio installation or approval by the Commission of a request for exemption, the appropriate certificate will be issued by the Department of Commerce.

"The Department of Commerce is to inspect for and finally decide all matters arising under the Convention except those relating to radio installations.

"In the event that any question arises with regard to a matter affecting the stability or navigability of the vessel and which also affects the determination of whether a certificate shall be issued under the radio provisions of the Convention, the Commission shall first ascertain from the Department of Commerce whether it approves and its decision with respect thereto shall be final. As an example, the Department of Commerce shall decide whether the location of the radio station on board ship complies with the Convention.

"It is, of course, recognized that cases will arise in which the respective jurisdiction of the Commission and the Department cannot readily be determined, and the foregoing agreement shall serve as a guide in dealing with these cases as they arise."

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me as President of the United States of America, I hereby confirm the said arrangement, and direct the Department of State, the Department of Commerce (Bureau of Marine Inspection and Navigation), the Treasury Department (Coast Guard), the Department of Agriculture (Weather Bureau), and the Federal Communications Commission, respectively, in relation to the fulfillment of the obligations undertaken by the Government of the United States of America under the said Convention for Safety of Life at Sea, and subject to the aforesaid arrangement, to exercise the functions and perform the duties therein prescribed and undertaken which appertain to the functions and duties which they severally are now directed or authorized by law to perform.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
February 5, 1937.

[No. 7548]

[F. R. Doc. 37-384; Filed, February 6, 1937; 10:51 a. m.]



# FEDERAL REGISTER

THE NATIONAL ARCHIVES  
OF THE UNITED STATES  
1934

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## WAR DEPARTMENT.

### RULES AND REGULATIONS TO GOVERN THE OPENING OF DRAWBRIDGES ACROSS MANASQUAN RIVER, ITS NAVIGABLE TRIBUTARIES, AND BAYHEAD-MANASQUAN CANAL

#### THE LAW

The River and Harbor Act of August 18, 1894, contains the following section:

Sec. 5. That it shall be the duty of all persons owning, operating, and tending the drawbridges now built, or which may hereafter be built across the navigable rivers and other waters of the United States, to open, or cause to be opened, the draws of such bridges under such rules and regulations as in the opinion of the Secretary of War the public interests require to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law. Every such person who shall willfully fail or refuse to open, or cause to be opened, the draw of any such bridge for the passage of a boat or boats, or who shall unreasonably delay the opening of said draw after reasonable signal

shall have been given, as provided in such regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than two thousand dollars nor less than one thousand dollars, or by imprisonment (in the case of a natural person) for not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That the proper action to enforce the provisions of this section may be commenced before any commissioner, judge, or court of the United States, and such commissioner, judge or court shall proceed in respect thereto as authorized by law in case of crimes against the United States: *Provided further*, That whenever, in the opinion of the Secretary of War, the public interests require it, he may make rules and regulations to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law, and any violation thereof shall be punished as hereinbefore provided.

#### THE REGULATIONS

In pursuance of the foregoing law, the following regulations are prescribed to govern the opening of all drawbridges spanning Manasquan River, its navigable tributaries, and the Bayhead-Manasquan Canal:

1. The owners of, or agencies controlling, drawbridges shall provide the appliances and the personnel necessary for the safe, prompt, and efficient operation of the draws.

2. Drawbridges shall be opened promptly for the passage of any vessel or other water craft unable to pass under the closed spans, except as hereinafter provided.

3. *Signals.*—

#### *Call Signals for Opening of Draw*

*Sound Signal.*—Three distinct blasts of a whistle, horn, or megaphone, or 3 loud and distinct strokes of a bell, sounded within a reasonable hearing distance of the bridge.

*Visual Signal.*—To be used in conjunction with sound signals when conditions are such that sound signals can not be heard.

A white flag by day, a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

#### *Acknowledging Signals*

*By bridge operator.*—

*Sound Signals.*—Draw to be opened immediately: Same as call signal.

Draw cannot be opened immediately, or, if open, must be closed immediately: 2 long distinct blasts of a whistle, horn or megaphone, or 2 loud and distinct strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

*Visual Signals.*—Draw to be opened immediately: A white flag by day or a green light at night swung up and down vertically a number of times in full sight of the vessel.

Draw cannot be opened immediately, or, if open, must be closed immediately: A red flag by day, a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

*By the vessel.*—Vessels or other water craft having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately, or if open must be closed immediately, shall acknowledge said signal by one long blast followed by a short blast, or by swinging to and fro horizontally a red flag by day and a red light by night.

4. Trains, automobiles, trucks, and other vehicles, vessels or other water craft shall not be stopped or manipulated in a manner hindering or delaying the operation of any draw, but all passage over drawspans or through draw openings shall be so as to expedite both land and water traffic.

5. The owners of, or agencies controlling, all bridges shall provide and keep in good legible condition two board gauges painted white, with black figures not less than 8 inches high, to indicate the headroom clearance under the closed drawspan at all stages of the tide. The gauges shall be so placed on the bridge that they will be plainly visible to the operator of the vessel approaching the bridge either up or down stream.

6. Drawbridges shall not be required to open for craft carrying appurtenances unessential for navigation which ex-



tend above the normal superstructure. Military masts shall be considered as part of the normal superstructure.

Upon request, the district engineer in charge of the locality will cause inspection to be made of the superstructure and appurtenances of any craft habitually frequenting these waterways, with a view to adjusting any differences of opinion in this matter between the vessel owner and the bridge owner.

7. A copy of these regulations shall be conspicuously posted on both the upstream and downstream sides of the bridge in such a manner that it can be easily read at any time.

8. These regulations shall take effect and be in force on and after the date of approval hereof.

Approved, January 18th, 1937.

[SEAL]

HARRY H. WOODRING,  
Secretary of War.

[F. R. Doc. 37-385; Filed, February 8, 1937; 10:38 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

NER-B-101-New York

Issued February 5, 1937

### 1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

#### BULLETIN NO. 101—NEW YORK

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with the following provisions of this bulletin No. 101 for New York, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the allowances herein set forth are computed upon the basis of an appropriation of \$500,000,000 and 85 percent participation by farmers in all regions. Such rates of payment and allowances may be increased or decreased, depending upon the extent of participation, but such variations will not be in excess of 10 percent.

#### Part I. Payment for Soil-Building Practices

Under the 1937 Agricultural Conservation Program, New York farmers who carry out soil-building practices that they select from the list below will be repaid a part of the cost. The amount of payment for performing each practice is stated with the description of practices in this Part I.

Payment will be dependent upon the practice being performed in accordance with the generally accepted standards of good farming practice with the use of the kinds and quantities of seeds and other materials which are normally employed to obtain good results. Each farmer contemplating applying for payment for carrying out any of the soil-building practices listed below should ascertain in advance, from instructions issued through his county committee, whether the intended practice can be certified as practical under the local conditions applicable to his farm. Such instructions will be applicable to particular areas or farms and will set forth which of such practices are economically justified in such areas or on such farms and the proper kinds and quantities of seeds or other materials or substitutes to be used in order properly to carry out the practice.

Payment under the 1937 Program will be restricted to practices carried out before December 1, 1937.

If a practice calls for the use of specific materials (such as limestone) a farmer may qualify for payment by substituting equivalent amounts of any other approved material which serves the same purpose.

No payment will be made for a practice carried out on any acreage if labor, seed, or other materials used in carrying out the practice are furnished free or paid for by a State or Federal agency.

A farmer may earn soil-building payments up to the limit of his soil-building allowance. If the total of the payments qualified for is larger than his allowance, he will receive an amount equal to his allowance, which shall be determined in accordance with the provisions of part II of this bulletin.

#### Practice Number and Description of Practice and Rate of Payment

##### FERTILIZING AND SEEDING

The following rates of payment will apply if the specified materials are used in accordance with the instructions given for the practices:

1. *Pulverized limestone*.—Payment: In Area A, \$3.00 per ton; In Area B, \$4.00 per ton.

Area A includes: All the State except Long Island and Staten Island.

Area B includes: Long Island and Staten Island.

2. *20 percent superphosphate*.—Payment, 80 cents per 100 pounds.

When used in connection with a seeding made with small grains or peas as a nurse crop which is harvested for grain or peas for canning, payment will be made only on the quantity of 20 percent superphosphate which is in excess of 160 pounds per acre.

3. *60 percent muriate of potash*.—Payment, \$1.80 per 100 pounds.

4. *Wild white clover seed*.—Payment, \$1.00 per acre.

5. *Cornell Pasture Mixture*.—Payment, \$3.00 per acre.

6. *Approved red or alsike clover seed*.—Payment, \$2.00 per acre.

7. *Approved alfalfa seed*.—Payment, \$3.00 per acre.

##### IMPROVING AND ESTABLISHING PASTURES

Applying not less than the following quantities of the following materials or their equivalent per acre on pasture land or on land in preparation for seeding wild white clover or Cornell Pasture Mixture and seeding land to wild white clover or Cornell Pasture Mixture.

Applying from 400 to 600 pounds of 20 percent superphosphate per acre; or

Seeding not less than one pound of wild white clover seed per acre, and applying to the same land from 400 to 600 pounds of 20 percent superphosphate per acre; or

Seeding not less than 25 pounds of Cornell Pasture Mixture per acre, and applying to the same land from 400 to 600 pounds of 20 percent superphosphate per acre; or

Applying to the same land from 2,000 to 4,000 pounds of pulverized limestone per acre and from 400 to 600 pounds of 20 percent superphosphate per acre; or

Applying to the same land from 2,000 to 4,000 pounds of pulverized limestone per acre and from 400 to 600 pounds of 20 percent superphosphate per acre, and seeding on the same land at least one pound of wild white clover seed per acre; or

Applying to the same land from 2,000 to 4,000 pounds of pulverized limestone and from 400 to 600 pounds of 20 percent superphosphate, and seeding on the same land at least 25 pounds of Cornell Pasture Mixture per acre when a new seed bed has been prepared by harrowing or plowing.

##### IMPROVING ESTABLISHED HAY LANDS

Applying not less than the following quantities of the following materials or their equivalent per acre on established hay land:

Applying from 400 to 600 pounds of 20 percent superphosphate per acre.



## ESTABLISHING NEW SEEDINGS OF GRASSES AND LEGUMES

Applying, at or before the time of seeding, not less than the following quantities of the following materials or their equivalent per acre on crop land and seeding the same land either to legumes or to grass and legume mixtures containing at least 40 percent by weight of legume seeds. Seedings may be made either without a nurse crop or with a nurse crop of oats, barley, peas, wheat, rye, or a mixture of any two or more of these:

Applying from 300 to 600 pounds of 20 percent superphosphate per acre; or

Applying to the same land from 300 to 600 pounds of 20 percent superphosphate per acre and 50 to 200 pounds of 60 percent muriate of potash per acre; or

Applying to the same land from 2,000 to 4,000 pounds of pulverized limestone and from 300 to 600 pounds of 20 percent superphosphate per acre; or

Applying to the same land from 2,000 to 4,000 pounds of pulverized limestone, from 300 to 600 pounds of 20 percent superphosphate, and from 50 to 200 pounds of muriate of potash per acre; or

Seeding approved clover seed (red or alsike) or mixtures containing at least 40 percent by weight of approved clover seed (red or alsike) per acre using the amount of seed per acre which constitutes an approved seeding practice on land prepared for seeding by the application of the approved amounts of lime and/or superphosphate; or

Seeding approved alfalfa seed using an amount per acre which constitutes an approved seeding practice on land prepared for seeding by the application of the approved amounts of lime and/or superphosphate.

## LIMING

Applying 2,000 to 4,000 pounds of pulverized limestone or its equivalent per acre to crop land in preparation for a legume seeding.

## FERTILIZING GREEN-MANURE CROPS

Applying from 300 to 600 pounds of 20 percent superphosphate per acre to any of the crops specified in practice 8 or 9 below; or

Applying from 2,000 to 4,000 pounds of pulverized limestone or its equivalent per acre to any of the crops specified in practice 8 or 9 below.

## SUPERPHOSPHATE APPLIED IN FARM MANURE

Incorporating 20 percent superphosphate or its equivalent into animal or poultry manure and applying such manure to pastures or hayland, or to land in preparation for the establishment of new seedings of grasses and legumes, so that the superphosphate will be applied in quantities within the limits specified in the foregoing instructions under the headings, "Improving and Establishing Pastures", "Improving Established Hay Lands", "Establishing New Seedings of Grasses and Legumes", and "Fertilizing Green-manure Crops".

## GREEN-MANURE AND COVER CROPS

8. Plowing or disking under small grains or annual grasses, or mixtures of these with legumes, after all have attained at least two months' or 12 inches' growth.

Payment, \$1.50 per acre.

9. Plowing or disking under biennial or perennial legumes from which no crop has been harvested and for which no seeding payment will be or has been made under this or any previous program, and which have attained at least two months' or 12 inches' growth, or annual legumes which have attained such growth.

Payment, \$2.50 per acre.

The rate of payment will be doubled for practices 8 and 9 above when carried out on land normally devoted to commercial vegetables so that the green-manure crop replaces at least one crop of commercial vegetables in 1937.

When annual grains are clipped green and left on land normally devoted to commercial vegetables from which no crop is removed in 1937, and followed by legume crops specified in practice 9 which occupy such land throughout the re-

mainder of the 1937 growing season, such clipping of the small grains may be substituted for the plowing or disking under in practice 9, and the provisions of the last preceding paragraph shall be applicable.

Leaving the entire crop on the land during the winter may be substituted for the plowing or disking under in practice 8 or 9 if the crop is one that is normally winter-killed.

## FRUIT LAND

Practices 8 and 9 and the paragraphs under the heading "Fertilizing Green-manure Crops" will also apply with respect to commercial orchards.

10. Applying to land used for commercial orchards not less than 3 tons of air-dry mulching material or its equivalent per acre, in addition to leaving in the orchard all material produced therein during 1937 from grass, legume, green-manure, or cover crops.

Payment, \$2.00 per ton on an amount not in excess of 5 tons per acre.

11. Increasing, on a farm in a commercial fruit area, the acreage of biennial or perennial legumes, or mixtures of these with grasses, not in orchards, above the combined acreage of such crops normally grown on such farm, when the increase is accompanied by the removal of all trees from an acreage of unproductive orchard equal to that on which the increase in the above conserving crops was made.

Payment, \$10.00 per acre.

12. Establishing, on a farm in a commercial vineyard area, an acreage of biennial or perennial legumes, or mixtures of these with grasses, on unproductive vineyard land from which all vines have been removed in 1937.

Payment, \$5.00 per acre.

13. Applying not less than 200 pounds of 16 percent nitrate of soda or its equivalent per acre over the entire acreage of any orchard or vineyard interplanted to sod or cover crops, and leaving such interplanted sod or cover crops in their entirety on the land.

Payment, \$1.00 per acre.

## WOODLANDS

14. Improving the stand of forest trees by cutting weed trees or thinning other trees, to develop at least 100 potential timber trees of desirable species well distributed over an acre of woodland. Operators shall obtain approval through the county committee before performing this practice.

Payment, \$3.00 per acre.

15. Constructing fence consisting of not less than two strands of barbed wire with posts or other suitable supports not more than one rod apart, for the purpose of excluding livestock from farm woodlands previously used for pasture.

Payment, 15 cents per rod.

16. Constructing fence consisting either of not less than three strands of barbed wire, or woven wire at least 24 inches high with not less than one strand of barbed wire, with posts or other suitable supports not more than one rod apart, for the purpose of excluding livestock from farm woodlands previously used for pasture.

Payment, 20 cents per rod.

17. Planting nursery grown forest trees or lifted wild stock at the rate of not less than 1,000 trees per acre on open farm land. When white pine plantings are made, currant and gooseberry bushes within 1,000 feet of the planting site must be removed.

Payment, \$10.00 per acre.

## CONTROLLING SOIL EROSION

18. Cultivating on the contour. This practice shall be carried out according to plans approved in advance by the county committee based upon the recommendation of the Soil-Conservation Service.

Payment, \$2.00 per acre so cultivated.

19. Planting approved shrubs not more than one foot apart in parallel rows not more than 250 feet apart on muck or sandy soils. Operators shall obtain approval through the County Committee before performing this practice.

Payment on land protected, \$1.00 per acre.



20. Planting grain or grain mixtures in parallel strips not more than 30 feet apart at right angles to the direction of the prevailing wind, on muck or sandy soils, with each strip consisting of two or more rows of small grain or grain mixtures not more than one foot apart, with the grain permitted to grow until the interplanted crops have attained at least eight weeks' growth.

Payment on land protected, \$.25 per acre. Payments will be made for a combination of practices (19) and (20) on the same land when prior approval through the County Committee has been obtained.

#### Part II. The Soil-Building Allowance

The soil-building allowance for any farm is the maximum amount that may be paid for carrying out soil-building practices on that farm. It shall be the sum of such of the following items as are applicable to that farm. The allowance, however, shall be at least \$20.00.

1. *Crop land*.—\$1.00 for each acre of crop land, excluding commercial orchards, on the farm on January 1, 1937.

2. *Commercial orchards*.—\$2.00 for each acre of commercial orchards cultivated on the farm on January 1, 1937.

3. *Commercial vegetable land*.—\$1.00 for each acre of crop land on which only one crop of commercial vegetables was grown in 1936; \$2.00 for each acre of crop land on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

4. *Non-crop pasture land*.—\$.35 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.

#### Part III. Provisions Affecting Payments

SECTION 1. *Association Expenses*.—Under such rules as the Secretary may prescribe there shall be deducted from the payment to any person with respect to a farm or farms in a county all or such part as the Secretary may prescribe of such person's pro rata share of the estimated administrative expenses incurred and to be incurred by the County Agricultural Conservation Association of the county in which such farm or farms are located.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the sum of \$2.00 per application for that number of applications submitted by members of such association under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be \$20.00 or less.

SECTION 2. *Increase in Acreage of General Soil-Depleting Crops*.—The Secretary reserves the right in the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres to make a deduction from any payment that would otherwise be made for such farm in the amount of \$10.50 for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm. If in 1937 the Secretary exercises the right to make deductions reserved herein with respect to such farms, the procedure to be followed for the establishment of bases shall be in accordance with such instructions as may be issued by the Secretary.

SECTION 3. *Applicability to Farms Under Special Program*.—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county or other area is designated, the allowances, rates, and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the State bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for carrying out such soil-building practices as are, prior to performance, approved for the farm by the county committee in accordance with instructions issued by the Secretary.

SECTION 4. *Payments Restricted to Effectuation of Purposes*.—All or any part of any payment which otherwise would be made to any person may be withheld if any rotation, cropping, or other practice is adopted by such person which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

#### Part IV. Miscellaneous Provisions

SECTION 1. In order for a farmer to be eligible for participation in the 1937 Agricultural Conservation Program he must execute such forms and submit such information as may be prescribed. Such forms and information shall be filed with the county committee within time limits established by the State committee with the approval of the Director of the Northeast Division.

SECTION 2. *Land to be Included under an Application*.—An application for payment shall cover neither more nor less than a single farm as defined in Part V of this bulletin.

SECTION 3. *Application and Eligibility for Payment*.—(a) Payment will be made only upon application on the prescribed form, filed with the county committee within the time fixed by the Secretary, supported by such information regarding farming operation as may be required.

(b) An application for payment may be made by any producer who is entitled to receive all or a share of the crops produced on the farm in 1937 or of the proceeds thereof or who incurs all or any part of the expense of soil-building practices carried out on the farm.

(c) For the purpose of determining the eligibility of a producer for a payment where the farm operated by him includes land located in two or more adjoining counties, such farm shall be regarded as located in the county in which the principal dwelling on such farm is located, or, if there is no dwelling on such farm, such farm shall be regarded as located in the county in which the major portion of such farm is located.

SECTION 4. *Division of Payments*.—(a) The soil-building payment with respect to the farm covered by an application for payment shall be divided among the producers concerned, in the proportion that the county committee determines that the expense incurred by each in carrying out the soil-building practices bears to the total expense incurred by all such producers in carrying out such practices.

(b) Any payment for a farm shall be computed without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

SECTION 5. *Membership in Association*.—Any person having an interest in the crops or the proceeds thereof produced on any farm in the county in 1937 shall become a member of the County Agricultural Conservation Association of the county whenever any form or information required in connection with the Agricultural Conservation Program for 1937 is submitted for such farm, or whenever in 1937 he attends a meeting called for the purpose of electing committeemen. Any person shall cease to be a member of the association if in 1937 an application for payment is not filed by him within the time specified by the Secretary for the filing of applications.

SECTION 6. *Limits*.—The sum of the commercial fruit acreages, the commercial vegetable acreages, the commercial double-cropped vegetable acreages, the acreages of non-crop open pasture land, and the acreages of total crop land, respectively, established for farms in any county or other specified area, shall not exceed the acreage of such crops and uses which the Agricultural Adjustment Administration may establish for such county or other specified area.

SECTION 7. *Tobacco*.—The statements in this bulletin apply to all farms in New York except those farms for which tobacco bases are established in 1937. Bulletin No. 101A for New York, to be issued separately, describes the program as it applies to those farms. For such farms the soil-building allowance and certain rates of payment will differ from those prescribed herein.



## Part V. Definitions

As used herein, and in all forms and documents relating to the 1937 Agricultural Conservation Program in the Northeast Region, the term—

*Secretary* means the Secretary of Agriculture of the United States.

*Northeast Region* means the area included in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

*Northeast Division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Northeast Region.

*State Agricultural Conservation Committee or State Committee* means the group of persons designated to assist in the administration of the 1937 Agricultural Conservation Program in the State of New York.

*County Agricultural Conservation Committee or County Committee* means the group of persons designated to assist in the administration of the 1937 Agricultural Conservation Program in the county.

*Person* means an individual, partnership, association, trust, estate, or corporation, and wherever applicable a State, a political subdivision of a State, or any agency thereof or any other governmental agency that may be designated by the Secretary.

*Producer* means any person who is entitled to receive all or a portion of the crops produced on any farm or the proceeds thereof.

*Farm* means all land in a county (or regarded as being in a county) which in 1937 is under the operating control of one person by reason of ownership, lease, or otherwise; provided, that a tract of land shall not be considered all or part of a farm unless the county committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such land in the 1937 Agricultural Conservation Program would tend to promote the purposes of the Act through the economic use and conservation of the land and through the preservation and improvement of its fertility for agricultural purposes.

*Crop land* is farm land which is tillable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937, to fruit orchards, vineyards, or cultivated bush fruits other than those abandoned.

*Commercial orchards* means the acreage in tree fruits, cultivated nut trees, vineyards, or cultivated bush fruits, on the farm on January 1, 1937, from which the principal part of the production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of the production will be sold in 1937 or later.

*Commercial vegetables* means the acreage of vegetables or truck crops (including among others potatoes, sweetpotatoes, melons, cantaloups, and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of the production was sold off the farm in 1936.

*Open non-crop pasture* means fenced non-crop pasture land of a carrying capacity during the normal pasture season of at least one animal unit for each five acres, on which the predominant growth is forage suitable for dairy animals, and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

*Animal unit* means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

*Soil-building payment* means a payment for the carrying out of the soil-building practices specified in part I hereof.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 5th day of February 1937.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc 37-387; Filed, February 8, 1937; 12:24 p. m.]

NER-B-101—Pennsylvania

Issued February 5, 1937

## 1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

## BULLETIN NO. 101—PENNSYLVANIA

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with the following provisions of this bulletin No. 101 for Pennsylvania, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the allowances herein set forth are computed upon the basis of an appropriation of \$500,000,000 and 85 percent participation by farmers in all regions. Such rates of payment and allowances may be increased or decreased, depending upon the extent of participation, but such variations will not be in excess of 10 percent.

## Part I. Payment for Soil-Building Practices

Under the 1937 Conservation Program, Pennsylvania farmers who carry out soil-building practices that they select from the list below will be repaid a part of the cost. The amount of payment for performing each practice is stated with the description of practices in this part I.

Payment will be dependent upon the practice being performed in accordance with the generally accepted standards of good farming practice with the use of the kinds and quantities of seeds and other materials which are normally employed to obtain good results. Each farmer contemplating applying for payment for carrying out any of the soil-building practices listed below should ascertain in advance, from instructions issued through his county committee, whether the intended practice can be certified as practical under the local conditions applicable to his farm. Such instructions will be applicable to particular areas or farms and will set forth which of such practices are economically justified in such areas or on such farms and the proper kinds and quantities of seeds or other materials or substitutes to be used in order properly to carry out the practice.

Payment under the 1937 program will be restricted to practices carried out before December 1, 1937.

If a practice calls for the use of specific materials (such as limestone) a farmer may qualify for payment by substituting equivalent amounts of any other approved material which serves the same purpose.

No payment will be made for a practice carried out on any acreage if labor, seed, or other materials used in carrying out the practice are furnished free or paid for by a State or Federal Agency.

A farmer may earn soil-building payments up to the limit of his soil-building allowance. If the total of the payments qualified for is larger than his allowance, he will receive an amount equal to his allowance, which shall be determined in accordance with the provisions of part II of this bulletin.

Practice Number, Description of Practice, and Rate of Payment

## WOODLANDS

Planting evergreen or deciduous forest trees at the rate of at least 1,000 trees per acre. The trees shall be evenly distributed approximately 6 feet apart and shall be adequately protected against livestock grazing.

Payment for several areas each smaller than one (1) acre will be made, provided the total of all such small areas on the farm is equal to one-half (½) acre or more.

1. Payment for planting seedlings, per acre, \$6.00.
2. Payment for planting transplants, per acre, \$10.00.



## FENCING

3. Constructing fence consisting of at least two strands of wire with posts or other suitable supports not more than one rod apart, for the purpose of excluding livestock from woodland previously used for pasture.

Payment per rod of fence constructed, \$0.10.

4. Constructing fence consisting of not less than three strands of wire, or of woven wire at least 24 inches high with not less than one strand of barbed wire, and with posts or other suitable supports not more than one rod apart, for the purpose of excluding livestock from woodland previously used for pasture.

Payment per rod of fence constructed, \$0.15.

## SEEDING LAND TO PERMANENT PASTURE OR ESTABLISHING NEW PASTURES OR PERMANENT SOD WATERWAYS

Applying on crop or pasture land, either at or before the time of seeding, not less than the following quantities of the following materials or their equivalent<sup>1</sup> per acre and seeding such land between March 1, 1937, and October 31, 1937, to at least 18 pounds per acre of a pasture mixture containing at least 6 pounds per acre of approved varieties of clover seed (such seedings not to be used for green-manure):

5. Seeding, without the application of fertilizer either because sufficient superphosphate was applied in 1936 or because satisfactory soil tests or other evidence indicate that treatment is unnecessary.

Payment per acre, \$2.00.

6. Seeding, and applying either (a) 300 pounds of 16 percent superphosphate or (b) a mixture containing 37 lbs. of 16 percent nitrate, 225 lbs. of 16 percent superphosphate, and 24 lbs. of 50 percent muriate of potash.

Payment per acre, \$4.00.

7. Seeding with a nurse crop harvested for grain or hay, and applying fertilizer as provided in practice 6 above.

Payment per acre, \$2.75.

Payment will be made for performing practice 5, 6, or 7 only on soils where lime is not required because of previous application under the 1936 Agricultural Conservation Program or because a lime requirement test shows a lime requirement of less than 2,000 lbs. of pulverized limestone per acre.

8. Seeding, and applying either (a) 2,000 pounds of pulverized limestone<sup>2</sup> and 300 pounds of 16 percent superphosphate or (b) 2,000 pounds of pulverized limestone<sup>2</sup> and a mixture containing 37 lbs. of 16 percent nitrate, 225 lbs. of 16 percent superphosphate, and 24 lbs. of 50 percent muriate of potash.

Payment in Area A,<sup>3</sup> per acre, \$7.50.

Payment in Area B, per acre, \$7.00.

9. Seeding with a nurse crop harvested for grain or hay, and applying lime and fertilizer as provided in practice 8 above.

Payment, in Area A,<sup>3</sup> per acre, \$6.25.

Payment, in Area B, per acre, \$5.75.

10. Seeding, and applying either (a) 3,000 pounds of pulverized limestone<sup>2</sup> and 300 pounds of 16 percent superphos-

<sup>1</sup>The equivalent of 2,000 pounds of pulverized limestone is either (1) 4,000 pounds of ground limestone which will analyze at least 80 percent carbonates, 90 percent of which will pass through a 10-mesh sieve and 25 percent of which will pass through a 100-mesh sieve, or (2) 1,400 pounds of hydrated lime, or (3) 1,000 pounds of ground burned lime, or (4) 2,000 pounds of lump burned lime, or (5) 4,000 pounds of agricultural slag, or (6) 2,000 pounds of artificial carbonate of lime, pulverized oyster shell or lime marl, containing at least 80 percent carbonates, or 4,000 pounds of lime marl, not artificially dried.

The equivalent of 16 percent nitrate of soda, 16 percent superphosphate, or 50 percent muriate of potash, is a quantity of materials, other than manure, containing quantities of nitrogen, phosphoric acid, or potash, or combinations of these, equal in weight and quality to that contained in the specified amount of 16 percent nitrate of soda, 16 percent superphosphate, or 50 percent muriate of potash.

<sup>2</sup>Pulverized limestone is limestone which will analyze at least 80 percent carbonates, 100 percent of which will pass through a 20-mesh sieve and 50 percent of which will pass through a 100-mesh sieve.

<sup>3</sup>Area A includes: Bradford, Cameron, Carbon, Crawford, Erie, Forest, Lackawanna, Luzerne, McKean, Pike, Potter, Schuylkill, Sullivan, Susquehanna, Tioga, Warren, Wayne, and Wyoming counties.

Area B includes: All other counties in the State.

phate, or (b) 3,000 pounds of pulverized limestone<sup>2</sup> and a mixture containing 37 lbs. of 16 percent nitrate, 225 lbs. of 16 percent superphosphate, and 24 lbs. of 50 percent muriate of potash.

Payment, in Area A,<sup>3</sup> per acre, \$9.25.

Payment, in Area B, per acre, \$8.50.

11. Seeding with a nurse crop harvested for grain or hay, and applying lime and fertilizer as provided in practice 10 above.

Payment, in Area A,<sup>3</sup> per acre, \$8.00.

Payment, in Area B, per acre, \$7.25.

## IMPROVING ESTABLISHED PASTURES

Applying, to established grasses and legumes on land devoted to permanent pasture, not less than the following quantities of the following materials or their equivalent<sup>1</sup> per acre.

12. Applying either (a) 2,000 pounds of pulverized limestone<sup>2</sup> and 400 lbs. of 16 percent superphosphate, or (b) 2,000 pounds of pulverized limestone<sup>2</sup> and a mixture containing 85 lbs. of 16 percent nitrate of soda, 260 lbs. of 16 percent superphosphate and 28 lbs. of 50 percent muriate of potash.

Payment, in Area A,<sup>3</sup> per acre, \$6.00.

Payment, in Area B, per acre, \$5.50.

13. Applying either (a) 3,000 pounds of pulverized limestone<sup>2</sup> and 400 pounds of 16 percent superphosphate or (b) 3,000 pounds of pulverized limestone<sup>2</sup> and a mixture containing 85 lbs. of 16 percent nitrate of soda, 260 lbs. of 16 percent superphosphate, and 28 lbs. of 50 percent muriate of potash.

Payment, in Area A,<sup>3</sup> per acre, \$7.75.

Payment, in Area B, per acre, \$7.00.

14. Applying either (a) 4,000 pounds of pulverized limestone<sup>2</sup> and 400 pounds of 16 percent superphosphate or (b) 4,000 pounds of pulverized limestone<sup>2</sup> and a mixture containing 85 lbs. of 16 percent nitrate of soda, 260 lbs. of 16 percent superphosphate, and 28 lbs. of 50 percent muriate of potash.

Payment, in Area A,<sup>3</sup> per acre, \$9.50.

Payment, in Area B, per acre, \$8.50.

15. Applying either (a) 400 pounds of 16 percent superphosphate or (b) a mixture containing 85 lbs. of 16 percent nitrate of soda, 260 lbs. of 16 percent superphosphate, and 28 lbs. of 50 percent muriate of potash, on those lands to which lime was applied under the 1936 Agricultural Conservation Program or where a lime requirement test shows a requirement of less than 2,000 pounds of pulverized limestone per acre.

Payment, per acre, \$2.50.

## ESTABLISHING NEW SEEDINGS OF ALFALFA OR MIXTURES OF ALFALFA AND OTHER CLOVERS AND GRASSES

Applying, at or before the time of seeding, not less than the following quantities of the following materials or their equivalent<sup>1</sup> per acre, and seeding such land between February 1, 1937, and October 31, 1937, with either (a) at least 15 pounds per acre of approved varieties of alfalfa seed or (b) a mixture containing at least 8 pounds of approved varieties of alfalfa seed, 4 pounds of approved varieties of clover, and 4 pounds of timothy seed, per acre, provided that the timothy may have been seeded in the fall of 1936 (none of above seedings to be used for green manure):

16. Seeding, without the application of fertilizer either because sufficient superphosphate was applied in 1936 or because satisfactory soil tests or other evidence indicate that treatment is unnecessary.

Payment, per acre, \$3.00.

17. Seeding, and applying either (a) 300 pounds of 16 percent superphosphate or (b) a mixture containing not less than 250 pounds of 16 percent superphosphate and 30 pounds of 50 percent muriate of potash.

Payment, per acre, \$4.75.

18. Seeding with a nurse crop harvested for grain or hay, and applying fertilizer as provided in practice 17 above.

Payment, per acre, \$3.50.

Payment will be made for performing practice 16, 17, or 18 only on soils where lime is not required because of previ-



ous application under the 1936 Agricultural Conservation Program or because a lime requirement test shows it to be unnecessary.

19. Seeding, and applying either (a) 2,000 pounds of pulverized limestone<sup>2</sup> and 300 pounds of 16 percent superphosphate or (b) 2,000 pounds of pulverized limestone<sup>2</sup> and a mixture containing not less than 250 pounds of 16 percent superphosphate and 30 pounds of 50 percent muriate of potash.

Payment, In Area A,<sup>3</sup> per acre, \$7.75.

Payment, In Area B, per acre, \$7.25.

20. Seeding with a nurse crop harvested for grain or hay and applying lime and fertilizer as provided in practice 19 above.

Payment, In Area A,<sup>3</sup> per acre, \$6.50.

Payment, In Area B, per acre, \$6.00.

21. Seeding, and applying either (a) 3,000 pounds of pulverized limestone<sup>2</sup> and 300 pounds of 16 percent superphosphate or (b) 3,000 pounds of pulverized limestone<sup>2</sup> and a mixture containing not less than 250 pounds of 16 percent superphosphate and 30 pounds of 50 percent muriate of potash.

Payment, In Area A,<sup>3</sup> per acre, \$9.25.

Payment, In Area B, per acre, \$8.50.

22. Seeding with a nurse crop harvested for grain or hay, and applying lime and fertilizer as provided in practice 21 above.

Payment, In Area A,<sup>3</sup> per acre, \$8.00.

Payment, In Area B, per acre, \$7.25.

23. Seeding, and applying either (a) 4,000 pounds of pulverized limestone<sup>2</sup> and 300 pounds of 16 percent superphosphate or (b) 4,000 pounds of pulverized limestone<sup>2</sup> and a mixture containing not less than 250 pounds of 16 percent superphosphate and 30 pounds of 50 percent muriate of potash.

Payment, In Area A,<sup>3</sup> per acre, \$10.75.

Payment, In Area B, per acre, \$9.75.

24. Seeding with a nurse crop harvested for grain or hay, and applying lime and fertilizer as provided in practice 23 above.

Payment, In Area A,<sup>3</sup> per acre, \$9.50.

Payment, In Area B, per acre, \$8.50.

#### ESTABLISHING NEW SEEDINGS OF CLOVER AND TIMOTHY

Applying, at or before the time of seeding, not less than the following quantities of the following materials or their equivalents<sup>1</sup> per acre, and seeding such land between February 1, 1937, and October 31, 1937, with a mixture of at least 6 pounds of approved varieties of clover and at least 5 pounds of timothy in an approved nurse crop, provided that the timothy may have been seeded in the fall of 1936:

25. Seeding, without the application of lime and fertilizer either because sufficient lime and superphosphate were applied in 1936 or because soil tests or other evidence satis-

<sup>1</sup> The equivalent of 2,000 pounds of pulverized limestone is either (1) 4,000 pounds of ground limestone which will analyze at least 80 percent carbonates, 90 percent of which will pass through a 10-mesh sieve and 25 percent of which will pass through a 100-mesh sieve, or (2) 1,400 pounds of hydrated lime, or (3) 1,000 pounds of ground burned lime, or (4) 2,000 pounds of lump burned lime, or (5) 4,000 pounds of agricultural slag, or (6) 2,000 pounds of artificial carbonate of lime, pulverized oyster shell or lime marl, containing at least 80 percent carbonates, or 4,000 pounds of lime marl, not artificially dried.

The equivalent of 16 percent nitrate of soda, 16 percent superphosphate, or 50 percent muriate of potash, is a quantity of materials, other than manure, containing quantities of nitrogen, phosphoric acid, or potash, or combinations of these, equal in weight and quality to that contained in the specified amount of 16 percent nitrate of soda, 16 percent superphosphate, or 30 percent muriate of potash.

<sup>2</sup> Pulverized limestone is limestone which will analyze at least 80 percent carbonates, 100 percent of which will pass through a 20-mesh sieve and 50 percent of which will pass through a 100-mesh sieve.

<sup>3</sup> Area A includes: Bradford, Cameron, Carbon, Crawford, Erie, Forest, Lackawanna, Luzerne, McKean, Pike, Potter, Schuylkill, Sullivan, Susquehanna, Tioga, Warren, Wayne, and Wyoming counties.

Area B includes: All other counties in the State.

factory to the county committee indicate that treatment is unnecessary.

Payment, per acre, \$2.00.

26. Seeding, and applying 250 pounds of 16 percent superphosphate.

Payment, per acre, \$3.50.

27. Seeding with a nurse crop harvested for grain or hay, and applying fertilizer as provided in practice 26 above.

Payment, per acre, \$2.25.

Payment will be made for performing practice 25, 26, or 27 only on soils where lime is not required because of previous application under the 1936 Agricultural Conservation Program or because a lime requirement test shows it to be unnecessary.

28. Seeding, and applying 2,000 pounds of pulverized limestone<sup>2</sup> and 250 pounds of 16 percent superphosphate.

Payment, In Area A,<sup>3</sup> per acre, \$6.50.

Payment, In Area B, per acre, \$6.00.

29. Seeding with a nurse crop harvested for grain or hay, and applying lime and fertilizer as provided in practice 28 above.

Payment, In Area A,<sup>3</sup> per acre, \$5.25.

Payment, In Area B, per acre, \$4.75.

#### IMPROVING ESTABLISHED LEGUMES AND GRASSES

Applying not less than the following quantities of the following materials or their equivalent<sup>1</sup> per acre to established biennial or perennial legumes and grasses in orchards where the entire growth of such legumes and grasses is left on the land, or to crop land devoted to established biennial or perennial legumes used for hay:

30. Applying 2,000 pounds of pulverized limestone<sup>2</sup> and 400 pounds of 16 percent superphosphate.

Payment, In Area A,<sup>3</sup> per acre, \$5.00.

Payment, In Area B, per acre, \$4.50.

31. Applying 3,000 pounds of pulverized limestone<sup>2</sup> and 400 pounds of 16 percent superphosphate.

Payment, In Area A,<sup>3</sup> per acre, \$6.25.

Payment, In Area B, per acre, \$5.50.

32. Applying 4,000 pounds of pulverized limestone<sup>2</sup> and 400 pounds of 16 percent superphosphate.

Payment, In Area A,<sup>3</sup> per acre, \$7.50.

Payment, In Area B, per acre, \$6.50.

33. Applying 400 pounds of 16 percent superphosphate on those lands to which lime was applied under the 1936 Agricultural Conservation Program or where a lime requirement test shows a requirement of less than 2,000 pounds of lime per acre.

Payment, per acre, \$2.50.

#### IMPROVING SOIL-CONSERVING CROPS IN ORCHARDS AND VINEYARDS BY THE USE OF NITROGEN

34. Applying not less than 200 pounds of 16 percent nitrate of soda or its equivalent<sup>1</sup> per acre over the entire acreage of any orchard or vineyard interplanted to soil-conserving crops and leaving such interplanted soil-conserving crops in their entirety on the land.

Payment, per acre, \$1.00.

#### APPLYING LIME AND SUPERPHOSPHATE IN PREPARATION FOR SEEDING GRASSES OR LEGUMES

Applying, between July 15, 1937, and October 31, 1937, at least the following amounts of the following materials or their equivalents<sup>1</sup> per acre, to crop land if the County Committee determines that such application is made in preparation for seeding such crop land to legumes or to a grass or legume mixture in the spring of 1938:

35. Applying 2,000 pounds of pulverized limestone.<sup>2</sup>

Payment, In Area A,<sup>3</sup> per acre, \$2.50.

Payment, In Area B, per acre, \$2.00.

36. Applying 3,000 pounds of pulverized limestone.<sup>2</sup>

Payment, In Area A,<sup>3</sup> per acre, \$3.75.

Payment, In Area B, per acre, \$3.00.

37. Applying 4,000 pounds of pulverized limestone.<sup>2</sup>

Payment, In Area A,<sup>3</sup> per acre, \$5.00.



Payment, In Area B, per acre, \$4.00.

38. Applying 2,000 pounds of pulverized limestone<sup>2</sup> and 300 pounds of 16 percent superphosphate.

Payment, In Area A<sup>1</sup>, per acre, \$3.00.

Payment, In Area B, per acre, \$2.50.

39. Applying 3,000 pounds of pulverized limestone<sup>2</sup> and 300 pounds of 16 percent superphosphate.

Payment, In Area A<sup>1</sup>, per acre, \$4.25.

Payment, In Area B, per acre, \$3.00.

40. Applying 4,000 pounds of pulverized limestone<sup>2</sup> and 300 pounds of 16 percent superphosphate.

Payment, In Area A<sup>1</sup>, per acre, \$5.50.

Payment, In Area B, per acre, \$4.50.

41. Applying 300 pounds of 16 percent superphosphate on those lands to which lime was applied under the 1936 Agricultural Conservation Program or where a lime requirement test shows a requirement of less than 2,000 pounds of lime per year.

Payment, per acre, \$0.50.

#### GREEN-MANURE CROPS

42. Plowing or disking under small grains or annual grasses or any mixture of these with legumes, which have attained at least two months' or 12 inches' growth.

Payment, per acre, \$1.50.

43. Plowing or disking under biennial or perennial legumes (except those seeded in a nurse crop which is harvested in 1937 for hay or grain) from which no crop has been harvested and for which no seeding payment has been made under this or previous programs, and which have attained at least two months' or 12 inches' growth, or annual legumes which have attained such growth.

Payment, per acre, \$2.50.

The rate of payment will be doubled for practices 42 and 43 above when carried out on land normally devoted to commercial vegetables so that the green-manure crop replaces at least one crop of commercial vegetables in 1937.

When annual grains are clipped green and left on land normally devoted to commercial vegetables from which no crop is removed in 1937, and followed by legume crops specified in practice 43 which occupy such land throughout the remainder of the 1937 growing season, such clipping of the small grains may be substituted for the plowing or disking under in practice 42 and such leaving of legume crops on the land may be substituted for the plowing and disking under in practice 43, and the provisions of the last preceding paragraph shall be applicable.

Leaving the entire crop on the land during the winter may be substituted for the plowing or disking under in practice 42 or 43 if the crop is one that is normally winter-killed.

#### Part II. The Soil-Building Allowance

The soil-building allowance for any farm is the maximum amount that may be paid for carrying out soil-building practices on that farm.

SECTION 1. The soil-building allowance for any farm not eligible to earn a diversion payment shall be the sum of such of the following items as are applicable to that farm, but shall not be less than \$20.00 for any such farm:

(a) *Crop land*.—\$1.00 for each acre of crop land, excluding commercial orchards, on the farm on January 1, 1937.

(b) *Commercial orchards*.—\$2.00 for each acre of commercial orchards cultivated on the farm on January 1, 1937.

(c) *Commercial vegetable land*.—\$1.00 for each acre of crop land on which only one crop of commercial vegetables was grown in 1936;

<sup>2</sup> Pulverized limestone is limestone which will analyze at least 80 percent carbonates, 100 percent of which will pass through a 20-mesh sieve and 50 percent of which will pass through a 100-mesh sieve.

<sup>1</sup> Area A includes: Bradford, Cameron, Carbon, Crawford, Erie, Forest, Lackawanna, Luzerne, McKean, Pike, Potter, Schuylkill, Sullivan, Susquehanna, Tioga, Warren, Wayne, and Wyoming counties.

Area B includes: All other counties in the State.

\$2.00 for each acre of crop land on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

(d) *Non-crop pasture land*.—\$0.35 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.

SECTION 2. The soil-building allowance for any farm eligible to earn a diversion payment shall be the sum of such of the following items as are applicable to that farm, but shall not be less than \$10.00 for any such farm:

(a) \$1.00 for each acre of crop land represented by the sum of

(1) The difference between the total acres of crop land (excluding commercial orchards, vineyards, and bush fruits) and the sum of (a) the tobacco soil-depleting base for the farm and (b) the 1937 general soil-depleting base, or, if no 1937 general soil-depleting base is established, the general soil-depleting base which was or could have been established in 1936; and

(2) The number of acres diverted for payment from the bases established for the farm.

(b) *Commercial orchards*.—\$2.00 for each acre of commercial orchards cultivated on the farm on January 1, 1937.

(c) *Commercial vegetable land*.—\$1.00 for each acre of crop land on which only one crop of commercial vegetables was grown in 1936;

\$2.00 for each acre of crop land on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

(d) *Non-crop pasture land*.—\$.35 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.

#### Part III. Tobacco Diversion Program

SECTION 1. *Tobacco Diversion Payment*.—A payment of 3 cents per pound based on the normal tobacco yield per acre will be paid for each acre diverted in 1937 from the 1937 tobacco soil-depleting base established for the farm, not in excess of 25 percent of such base, provided that such payment will not be made with respect to an acreage greater than the number of acres by which the acreage of soil-conserving crops on the farm in 1937 exceeds the soil-conserving base.

SECTION 2. *Tobacco Soil-Depleting Base and Yield*.—The 1937 tobacco soil-depleting base for any farm in a county shall be the tobacco soil-depleting base which was or could have been established for such farm under the 1936 Agricultural Conservation Program, subject to any adjustment which will result in equitable bases for all farms in the county for which tobacco bases are established, taking into consideration production facilities and their use; provided:

(a) The tobacco soil-depleting base for any farm shall not be more than twice the acreage of tobacco grown in 1937;

(b) The sum of the tobacco soil-depleting bases for the farms in any county or other specified area shall not exceed an acreage for tobacco established for such county or other specified area by the Agricultural Adjustment Administration; and

(c) The weighted average of the yield of tobacco per acre for all farms for which 1937 tobacco soil-depleting bases are established in any county or other specified area shall not exceed the average yield of tobacco per acre established for such county or other specified area by the Agricultural Adjustment Administration.

#### Part IV. General Diversion Program

SECTION 1. *General Diversion Payment*.—For each acre diverted from the general soil-depleting base for any farm eligible to earn a general diversion payment not in excess of 15 percent of such base, payment will be made at a rate which will average \$9.00 per acre for the United States, varied for all farms in a county according to the productivity index for the county; provided, that such payment will not be made with respect to an acreage greater than the acreage



by which the acreage of soil conserving crops on the farm in 1937 exceeds the sum of the soil conserving base, and the acreage diverted for payment from the tobacco soil depleting base.

**SECTION 2. Eligible General Diversion Areas.**—General diversion payments, as described in section 1 above, will be made in the State of Pennsylvania only in Adams, Berks, Chester, Cumberland, Delaware, Franklin, Lancaster, Lebanon, and York counties and such other counties as may be designated by the Secretary after considering the facts and any recommendations made by the county and State committees.

#### Part V. Provisions Affecting Payment

**SECTION 1. Eligibility of Farms to Earn a Diversion Payment.**—A farm shall be considered eligible to earn a tobacco diversion payment if a tobacco soil-depleting base of either (a) more than five acres, or (b) five acres or less with respect to which an application is made for a tobacco diversion payment, is established for such farm, and shall be considered eligible to earn a general diversion payment if it is located in an eligible general diversion area and either (a) has a general soil-depleting base of 20 acres or more or (b) is designated by the county committee as eligible to earn a general diversion payment, such designation to be based upon the history of the production of soil-depleting crops on such farm.

**SECTION 2. Deductions for an Acreage of Tobacco in Excess of the 1937 Tobacco Soil-Depleting Base.**—If the 1937 acreage of tobacco exceeds the 1937 tobacco soil-depleting base, a deduction will be made, from any payment which otherwise would be made, for each acre of such excess at the rate of 3 cents per pound based on the normal yield per acre.

**SECTION 3. Increase in Acreage of General Soil-Depleting Crops on Farms in Eligible General Diversion Areas.**—If the 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base a deduction will be made, from any payment otherwise earned for the farm, for each acre of such excess at the rate per acre of the diversion payment for the farm; *provided*, however, that in the case of any farm not eligible to earn a general diversion payment no deduction will be made with respect to the acreage of general soil-depleting crops grown in excess of the general soil-depleting base unless the acreage of such crops grown in 1937 exceeds 20 acres.

**SECTION 4. Increase in Acreage of General Soil-Depleting Crops on Farms Not in Eligible General Diversion Areas.**—The Secretary reserves the right in the case of any farm which in 1937 has an acreage of general soil-depleting crops in excess of 20 acres to make a deduction, from any payment that would otherwise be made for such farm, at the rate of \$9.00 per acre adjusted to the productivity index for the county, for each acre by which such 1937 acreage of general soil-depleting crops exceeds the general soil-depleting base which can be established for such farm. If in 1937 the Secretary exercises the right reserved herein to make deductions with respect to such farms, the procedure to be followed for the establishment of bases shall be in accordance with such instructions as may be issued by the Secretary.

**SECTION 5. Association Expenses.**—Under such rules as the Secretary may prescribe there shall be deducted from the payment to any person with respect to a farm or farms in a county all or such part as the Secretary may prescribe of such person's pro rata share of the estimated administrative expenses incurred and to be incurred by the County Agricultural Conservation Association of the county in which such farm or farms are located.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the sum of \$2.00 per application for that number of applications submitted by members of such association under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be \$20.00 or less.

**SECTION 6. Payments Restricted to Effectuation of Purposes.**—All or any part of any payment which otherwise would be made to any person may be withheld if any rotation, cropping, or other practice is adopted by such person which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

**SECTION 7. Applicability to Farms under Special Programs.**—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county or other area is designated, the allowances, rates, and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the State bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for carrying out such soil-building practices as are, prior to performance, approved for the farm by the county committee in accordance with instructions issued by the Secretary.

#### Part VI. Classification of Land Use and Crops

Farm land, when devoted to crops and uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be approved by the Secretary.

**SECTION 1. Soil-Depleting.**—Land on which any of the following crops are grown shall, except as provided in section 3 below, be regarded as devoted to the production of soil-depleting crops for the year in which such crops are normally harvested. In establishing soil-depleting bases and in checking performance, the acreage of land which is devoted to two or more soil-depleting crops shall be counted only once.

- (a) Corn (field corn or popcorn) except sowed corn plowed under.
- (b) Potatoes.
- (c) Truck and vegetable crops, including sweet corn, melons, and strawberries.
- (d) Grain sorghums, sweet sorghums, Italian ryegrass, millets, and Sudan grass, if harvested for grain, hay, or forage.
- (e) Small grains—wheat, oats, barley, rye, buckwheat, and grain mixtures, for grain or hay.
- (f) Bulbs and flowers.
- (g) Annual legumes (soybeans, cowpeas, field peas, field beans) harvested for grain or hay.
- (h) Rape, except when plowed or disked under.

**SECTION 2. Soil-Conserving.**—Land devoted to any of the following crops shall be regarded as used for the production of a soil-conserving crop except that any land from which a soil-depleting crop is harvested in the same year shall be regarded as having been used for the production of a soil-depleting crop in such year, except as provided in section 3 below.

If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

- (a) Sweet, medium red, alsike, and mammoth red clover, alfalfa, and white clover.
- (b) Vetch, winter peas, bur or crimson clover, annual varieties of lespedeza, and crotalaria.
- (c) Soybeans, velvet beans, and cowpeas, except when harvested for grain or hay.
- (d) Sudan grass, millet, Italian ryegrass, and sorghums, not harvested for grain, hay, or forage.
- (e) Sowed corn or rape, when plowed or disked under.
- (f) Bluegrass, reedtop, timothy, orchard grass, Bermuda, carpet grass, and mixtures of any of these.
- (g) Rye, oats, barley, wheat, buckwheat, and grain mixtures, not cut for grain or hay, *provided* a good growth is left on the land or plowed under.



(h) Forest trees planted on crop land.

**SECTION 3. Soil-Conserving Crops Grown on Land Used for the Production of a Soil-Depleting Crop.**—Land devoted to any of the combinations of soil-depleting and soil-conserving crops listed below shall, in addition to being regarded as being used for the production of a soil-depleting crop, also be regarded as being used for the production of a soil-conserving crop as follows:

(a) All the land from which a soil-depleting crop is harvested in 1937 and followed by legumes (classified in section 2 above as soil-conserving) or perennial grasses (whether seeded in or following such crop) shall, in addition to being classified as soil-depleting, be classified as soil-conserving.

(b) All the land on which green-manure crops are seeded following commercial vegetables and plowed under as green-manure after having attained at least two months' or 12 inches' growth shall, in addition to being classified as soil-depleting, be classified as soil-conserving.

**SECTION 4. Neutral Uses.**—Land devoted to the following uses shall be regarded as not being used for the production of a soil-depleting crop or a soil-conserving crop unless otherwise provided:

(a) Vineyards, tree fruits, small fruits, nut trees, and perennial vegetables not interplanted (any portion of the area which is interplanted shall carry the classification and actual acreage of such interplanted crop).

(b) Idle crop land.

(c) Cultivated fallow land.

(d) Waste land, roads, lanes, lots, yards, and other similar non-crop land.

(e) Woodland other than crop land planted to forest trees.

#### Part VII. Establishment of General Bases

**SECTION 1. General Soil-Depleting Bases.**—The county committee will recommend for approval by the Secretary a general soil-depleting base for each farm in an eligible general diversion area, which shall represent the acreage normally used for the production of general soil-depleting crops on each farm. There will also be recommended for approval a productivity index or rate per acre for the general soil-depleting base for each farm.

(a) *Farms for which general bases were established under the 1936 Agricultural Conservation Program.*—The general soil-depleting bases established for farms under the 1936 Agricultural Conservation Program shall be the soil-depleting bases for such farms in 1937 with adjustments as provided in subsection (d) of this section 1.

(b) *Farms for which no general bases were established in 1936.*—The farms for which no bases were established under the 1936 Agricultural Conservation Program shall, subject to adjustment as provided in subsection (d) of this section 1, be determined upon the basis of the acreage of soil-depleting crops grown on the farm in 1936.

(c) *The county productivity index for the general soil-depleting base* shall be determined upon the basis of the yield of the general soil-depleting crops grown on all farms in the county compared to the average yield of such crops for all farms in the United States.

(d) *Adjustment in Bases.*—

(1) *For Abnormal Bases.*—Where the number of acres of crops in the general soil-depleting base harvested in 1936, or any bases previously established, was greater or less than such crops usually harvested on the farm, the base shall be increased or decreased so as to be comparable to the base of such crops under normal conditions. Where the normal rotation of crops in the general soil-depleting base results in variations in the acreage of such crops on the farm the base shall be adjusted to conform to such variations.

(2) *For Changes in Crop Classification.*—For farms for which general soil-depleting bases were established under the 1936 Agricultural Conservation Program there shall be added to such base an acreage of small grains harvested for grain or hay which were classified as soil-conserving in establishing such base.

(3) *For Unused Bases.*—If the acreage of crops in the general soil-depleting base planted on the farm in the year 1936 was substantially less than the acreage which could have been planted on the farm and still qualify for the maximum diversion payment with respect to such crops, the base shall be adjusted by the county committee so as to represent the normal plantings on the farm and so as to be equitable as compared with other farms in the locality.

(e) *Limits of Bases.*—The sum of the general soil-depleting bases established for farms in any county or other specified area shall not exceed the acreage for such soil-depleting base which is established for such county or other specified area by the Agricultural Adjustment Administration.

#### Part VIII. Miscellaneous Provisions

**SECTION 1.** In order for a farmer to be eligible for participation in the 1937 Agricultural Conservation Program he must execute such forms and submit such information as may be prescribed. Such forms and information shall be filed with the county committee within time limits established by the State committee with the approval of the Director of the Northeast Division.

**SECTION 2. Land to be Included Under an Application.**—An application for payment shall cover neither more nor less than a single farm as defined in Part IX of this bulletin.

**SECTION 3. Application and Eligibility for Payment.**—(a) Payment will be made only upon application on the prescribed form, filed with the county committee within the time fixed by the Secretary, supported by such information regarding farming operation as may be required.

(b) An application for payment may be made by any producer who is entitled to receive all or a share of the crops produced on the farm in 1937, or of the proceeds thereof, or who incurs all or any part of the expense of soil-building practices carried out on the farm.

(c) For the purpose of determining the eligibility of a producer for a payment where the farm operated by him includes land located in two or more counties, the farm shall be regarded as located in the county in which the principal dwelling is located, or, if there is no dwelling on the farm, it shall be regarded as located in the county in which the major portion of the farm is located.

**SECTION 4. Division of Payments.**—(a) The soil-building payment with respect to a farm covered by an application for payment shall be divided among the producers concerned, in the proportion that the county committee determines that the expense incurred by each in carrying out the soil-building practices bears to the total expense incurred by all such producers in carrying out such practices.

(b) The diversion payment with respect to a farm covered by an application for payment shall be divided among the producers concerned in the same proportion as the crops in the general soil-depleting base are divided under their lease or operating agreement.

(c) Any payment for a farm shall be computed without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

**SECTION 5. Membership in Association.**—Any person having an interest in the crops or the proceeds thereof produced on any farm in the county in 1937 shall become a member of the County Agricultural Conservation Association of the county whenever any form or information required in connection with the Agricultural Conservation Program for 1937 is submitted for such farm, or whenever in 1937 he attends a meeting called for the purpose of electing committeemen. Any person shall cease to be a member of the association if in 1937 an application for payment is not filed by him within the time specified by the Secretary for the filing of applications.

**SECTION 6. Limits.**—The sum of the commercial fruit acreages, the commercial vegetable acreages, the commercial double cropped vegetable acreages, the acreages of non-crop



open pasture land, and the acreages of total crop land, respectively, established for farms in any county or other specified area, shall not exceed the acreage of such crops and uses which the Agricultural Adjustment Administration may establish for such county or other specified area.

#### Part IX. Definitions

As used herein, and in all forms and documents relating to the 1937 Agricultural Conservation Program in the Northeast Region, the term—

*Secretary* means the Secretary of Agriculture of the United States.

*Northeast Region* means the area included in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

*Northeast Division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Northeast Region.

*State Agricultural Conservation Committee* or *State Committee* means the group of persons designated to assist in the administration of the 1937 Agricultural Conservation Program in the State of Pennsylvania.

*County Agricultural Conservation Committee* or *County Committee* means the group of persons designated to assist in the administration of the 1937 Agricultural Conservation Program in the county.

*Person* means an individual, partnership, association, trust, estate, or corporation, and wherever applicable a State, a political subdivision of a State, or any agency thereof or any other governmental agency that may be designated by the Secretary.

*Producer* means any person who is entitled to receive all or a portion of the crops produced on any farm or the proceeds thereof.

*Farm* means all land in a county (or regarded as being in a county) which in 1937 is under the operating control of one person by reason of ownership, lease, or otherwise; provided that a tract of land shall not be considered all or part of a farm unless the county committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such land in the 1937 Agricultural Conservation Program would tend to promote the purposes of the Act through the economic use and conservation of the land and through the preservation and improvement of its fertility for agricultural purposes.

*Crop land* is farm land which is tillable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937, to fruit orchards, vineyards, or cultivated bush fruits other than those abandoned.

*Commercial orchards* means the acreage in tree fruits, cultivated nut trees, vineyards, or cultivated bush fruits, on the farm on January 1, 1937, from which the principal part of the production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of the production will be sold in 1937 or later.

*Commercial vegetables* means the acreage of vegetables or truck crops (including among others potatoes, sweet-potatoes, melons, cantaloups, and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of the production was sold off the farm in 1936.

*Open non-crop pasture* means fenced non-crop pasture land of a carrying capacity during the normal pasture season of at least one animal unit for each five acres on which the predominant growth is forage suitable for dairy animals, and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

*Animal unit* means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

*Soil-conserving base* means the acreage represented by the difference between the total crop land (excluding commercial orchards, vineyards, bush fruits, and idle crop land) and the sum of the 1937 tobacco soil-depleting base and the 1937 general soil-depleting base which is or could be established for the farm.

*Soil-building payment* means a payment for the carrying out of the soil-building practices specified in part I hereof.

*Diversion payment* means a payment for diversion from the 1937 general soil-depleting base.

*General soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops.

*Tobacco diversion payment* means a payment for a diversion from the 1937 tobacco soil-depleting base.

*Tobacco soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of types 51 and 52 tobacco.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 5th day of February 1937.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 37-386; Filed, February 8, 1937; 12:24 p. m.]

#### FEDERAL TRADE COMMISSION.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[File No. 21-94]

#### IN THE MATTER OF TRADE PRACTICE RULES OF THE PETROLEUM AND PETROLEUM PRODUCTS INDUSTRY

##### ORDER FIXING TIME AND PLACE FOR ORAL HEARING

In the matter of the public notice issued by the Commission as of January 16, 1937, affording opportunity to all interested or affected parties to present in writing such views and information as they may desire as to why the Commission's approval and acceptance of the Trade Practice Conference rules for the Petroleum and Petroleum Products Industry, as published August 10, 1931, should not be formally rescinded and the rules treated as having no force and effect, the Commission has received certain requests from members of the industry for opportunity to be heard orally. Upon consideration the Commission hereby designates February 24, 1937, at 2 p. m. and the office of the Commission, 815 Connecticut Avenue NW., Washington, D. C., as the time and place when and where it will hear such members and any other interested or affected parties who may make written or telegraphic requests to that effect.

By direction of the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

Entered, February 5, 1937.

[F. R. Doc. 37-383; Filed, February 6, 1937; 10:07 a. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

##### SECURITIES EXCHANGE ACT OF 1934

##### SUSPENSION OF TRADING, WITHDRAWAL, ETC., FROM LISTING AND REGISTRATION

##### Amendments to JD Rules

The Securities and Exchange Commission, deeming it necessary for the execution of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934,



as amended, particularly Sections 12 (d) and 23 (a) thereof, hereby takes the following action:

I. The title of Rule JD2 is amended to read as follows: "*Suspension of Trading, Withdrawal and Striking from Listing and Registration*".

II. Subsection (a) of Rule JD2 is amended to read as follows:

(a) (1) A security listed and registered on a national securities exchange may be suspended from trading by such exchange, in accordance with its rules. Such exchange shall promptly notify the Commission of any such suspension, the effective date thereof, and the reasons therefor.

(2) Any such suspension or any suspension in effect on February 5, 1937, may be continued until such time as it shall appear to the Commission that such suspension is designed to evade the provisions of Section 12 (d) and the rules and regulations thereunder, relating to the withdrawal and striking of a security from listing and registration. Within ten days after the close of every second calendar month during which such suspension is continued pursuant to this rule, the exchange shall file a statement setting forth the reasons for such continuance.

(3) Suspension of trading shall not terminate the registration of any security.

III. The following subsection is added to Rule JD2:

(d) A security may be stricken from listing and registration by a national securities exchange if

(1) trading in such security has been terminated pursuant to a rule of such exchange requiring such termination whenever a security is admitted to trading on another exchange; and

(2) listing and registration of such security has become effective on such other exchange.

The exchange upon which such security has been so stricken shall notify the Commission of its action within three days from the date thereof.

By direction of the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-390; Filed, February 8, 1937; 12:48 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of February 1937.

[File No. 1-246]

IN THE MATTER OF COLONIAL BEACON OIL COMPANY COMMON STOCK, NO PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (D) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Colonial Beacon Oil Company having made application to the Commission pursuant to Rule JD2 under the Securities Exchange Act of 1934, as amended, for permission to withdraw from listing and registration 1,444,970 shares of Common Stock, No Par Value, on the Boston Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered that the matter be set down for hearing at 10:00 o'clock a. m. on Wednesday, February 24, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-388; Filed, February 8, 1937; 12:48 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of February A. D. 1937.

[File No. 2-2794]

IN THE MATTER OF LAC-TECK GOLD MINES, LIMITED

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by Lac-Teck Gold Mines, Limited, under the Securities Act of 1933, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading,

It is ordered that a hearing be held, pursuant to the provisions of Section 8 (d) of said Act as amended, such hearing to be convened on Thursday, February 18, 1937, at 2 o'clock in the afternoon, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW, Washington, D. C., and to continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-392; Filed, February 8, 1937; 12:49 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of February A. D. 1937.

[File No. 2-2793]

IN THE MATTER OF STRATOPLANE CORPORATION

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by Stratoplane Corporation under the Securities Act of 1933, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading,

It is ordered that a hearing be held, pursuant to the provisions of Section 8 (d) of said Act as amended, such hearing to be convened on Monday, February 15, 1937, at 10:30 o'clock in the forenoon, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and to continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to



perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-393; Filed, February 8, 1937; 12:49 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of February 1937.

[File No. 1-1523]

IN THE MATTER OF UTAH METAL AND TUNNEL COMPANY  
CAPITAL STOCK, \$1.00 PAR VALUE

ORDER DIRECTING HEARING UNDER SECTION 12 (D) OF THE  
SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Utah Metal and Tunnel Company having made application to the Commission pursuant to Rule JD2 under the Securities Exchange Act of 1934, as amended, for permission to withdraw from listing and registration 1,190,750 issued shares and 59,250 unissued shares of Capital Stock, \$1.00 Par Value, on the Salt Lake Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered that the matter be set down for hearing at 10:00 o'clock a. m. on Friday, February 26, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-389; Filed, February 8, 1937; 12:48 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE THOMASSON-DURHAM ET AL. FARM, FILED ON JANUARY 15, 1937, BY E. M. THOMASSON PRODUCING CO., RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 11:00 o'clock in the forenoon on the 5th day of February 1937<sup>1</sup> at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

<sup>1</sup> 2 F. R. 180.

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 11:00 o'clock in the forenoon on the 19th day of February 1937 at the same place and before the same trial examiner.

By the Commission.

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-391; Filed, February 8, 1937; 12:49 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN McNABB PARK FARM, FILED ON DECEMBER 31, 1936, BY G. E. FISHER, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;<sup>1</sup>

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on February 3, 1937, be effective as of February 3, 1937; and

It is further ordered that the Suspension Order, Order for Hearing, and Order Designating a Trial Examiner, heretofore entered in this proceeding be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-394; Filed, February 8, 1937; 12:50 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN ET AL.-McNABB FARM, FILED ON JANUARY 16, 1937, BY G. E. FISHER, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;<sup>2</sup>

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on February 3, 1937, be effective as of February 3, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-395; Filed, February 8, 1937; 12:50 p. m.]

<sup>1</sup> 2 F. R. 50.

<sup>2</sup> 2 F. R. 180.